

Appl. No. : **09/312,028**
Filed : **May 14, 1999**

REMARKS

This Amendment is responsive to the Office Action dated January 17, 2007 (“Office Action”). Applicants’ representative would like to thank Examiner Felten for the courtesy he extended during the interview.

By this Amendment, Applicants have replaced Claims 1-55 with new Claims 56-80. The two new independent claims are substantially identical to those proposed during the interview, except that language has been added to the independent method claim in response to Examiner Felten’s suggestions. No new matter has been added.

As discussed during the interview, each of the new independent claims recites limitations that are not disclosed or suggested by Rose—the sole reference relied on in the Office Action. Each independent claim is discussed below.

Claim 56

With respect to independent Claim 56, Rose does not disclose or suggest “receiving a payment request at a computer system that implements a user-to-user funds transfer service, said payment request generated by a buyer via a web form of the computer system, and specifying a seller and a payment amount to transfer to the seller, said payment request being associated with a sales transaction between the buyer and the seller.” The payment request in Rose is generated by the seller, and not the buyer. See Rose at col. 8, lines 1-26.

Rose also fails to disclose or suggest the following limitations of Claim 56: “in response to the payment request, performing an automated fraud check of at least said seller, said automated fraud check comprising an automated assessment of data associated with the seller, including data obtained from a third party not directly associated with the transaction.” In contrast, the check of the seller’s credit worthiness in Rose apparently is not automated; in addition, this credit check is apparently performed only when the seller first establishes an account, and not in response to a payment request as claimed. See Rose at col. 6, lines 5-14. Thus, for example, Rose’s system apparently would not be capable of assessing whether the risk level associated with a given seller has increased since registration.

As discussed during the interview, Rose also discloses a process in which the buyer can respond to a seller-initiated payment query message with one of three possible replies, “yes,” “no”

or “fraud,” to indicate whether it wishes to proceed with the transaction. See Rose at col. 8, line 59 to col. 10, line 29. This process, however, does not include “an automated assessment of data associated with the seller, including data obtained from a third party not directly associated with the transaction” as claimed. As a result, it is of limited utility in assessing, e.g., whether the seller is likely to deliver goods willingly purchased online by the buyer. As discussed during the interview, this type of fraud is common in Internet auction and marketplace environments in which the sellers are commonly individuals and very small businesses.

In view of these distinctions, Applicants submit that independent Claim 56, and thus dependent Claims 57-73, are patentably distinct from Rose. Additional distinctions are recited in the dependent claims.

Independent Claim 74

With respect to independent Claim 74, Rose does not disclose a “web-based user interface including functionality for payers and payees to register with the funds transfer service, and including functionality for at least the payers to generate payment requests for initiating funds transfer transactions to payees.” As discussed above, Rose apparently allows only the seller/payee, and not the payer, to generate the payment request. In addition, Rose does not appear to contemplate the use of a web-based user interface to register sellers, but rather envisions a more complex process in which the seller must establish a relationship with an acquiring bank that underwrites the seller. In this regard, Rose does not provide a system that would be attractive to small sellers, such as individuals wishing to sell goods in an Internet auction or marketplace environment.

Rose also fails to disclose or suggest a “risk management system” that is “responsive to a payment request generated by a payer for transferring funds to a payee by at least (1) performing an automated risk assessment of both the payer and the payee using information supplied by at least the payer and payee via said web-based user interface, and (2) declining the payment request if the automated risk assessment produces an adverse indication.” In connection with this feature, Rose does not respond to a payment request by performing “an automated risk assessment of both the payer and the payee,” and does not suggest doing so.

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In view of these distinctions, Applicants submit that independent Claim 74, and thus dependent Claims 75-80, are patentably distinct from Rose. Additional distinctions are recited in the dependent claims.

Conclusion

In view of the foregoing amendments, remarks, and substance of interview, Applicants submit that the application is in condition for allowance. If any issues remain which can potentially be resolved by telephone, the Examiner is invited to call the undersigned attorney of record at his direct dial number listed below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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